

MASSACHUSETTS APPEALS COURT

Answers to Frequently Asked Questions Regarding Emergency Matters Arising During the COVID-19 Pandemic

1. Which matters are considered emergency matters in the Appeals Court?

Emergency matters in the Appeals Court are those that are time sensitive with deadlines that are not suspended by the Supreme Judicial Court's COVID-19 Orders or by an order of a Judge of the Trial Court, that involve a liberty interest or an injunction, or involve a case designated as an emergency matter by the Trial Court where the case originated. To view the case types designated as an emergency matter by the Trial Court where the case is pending, see <https://www.mass.gov/guides/court-system-response-to-covid-19> for the Trial Court standing orders defining emergency matters in each department.

If you are unsure if your matter qualifies as an emergency, you may request guidance by sending an email to MACClerkEmergency@jud.state.ma.us or leaving a detailed message at 617-723-1527. Since matters vary greatly and all possible emergency matters cannot be easily defined, the Assistant Clerks of the Appeals Court will assist you in determining if it is an emergency and the appropriate filing options.

2. What do I do if I have an emergency matter?

There are two types of emergency matters filed in the Appeals Court:

- Motion to stay (stop) the execution of a final judgment or sentence issued by a Trial Court judge or agency pending your appeal, see Mass. R. A. P. 6;
- Petition for review of an interlocutory (non-final) order under G. L. c. 231, §118 (first par.) in case types designated as an emergency matter by the Trial Court where the case is pending (see <https://www.mass.gov/guides/court-system-response-to-covid-19> for the Trial Court standing orders defining emergency matters in each department).
- In addition, the Appeals Court will accept an “emergency” request if you are unable to identify the rule or statute governing the matter.

If at all possible, start a new case or file into your existing Appeals Court case at <http://www.efilema.com/>. Electronic filing remains the fastest way for your motion or other filing to be filed, processed, and decided. The requirement that a filing fee be paid or an affidavit of indigency be filed to open a new case is deferred until after May 4, 2020 in cases where the fee or affidavit cannot be transmitted electronically. You may electronically file an emergency motion in eFileMA.com, and you must serve a copy of it on any attorneys or self-represented parties in the case.

If you are unable to electronically file through eFileMA.com, send an email to MACClerkEmergency@jud.state.ma.us. In your email, include your contact information, the names of the Trial Court and the case, the case docket number, a description of your emergency,

and the relief you are seeking from the Appeals Court. This email inbox is monitored by the Clerk's Office and you will receive a response during business hours (Monday-Friday, 8:00 a.m. - 4:30 p.m., excluding state holidays). You may also leave a detailed message at 617-723-1527.

In addition to electronic filing at eFileMA.com, the Assistant Clerks and Single Justice have the authority to permit filings by email.

If you must physically come to the court to make your filing, see the answer to question 3 below.

3. How do I file an emergency matter in person at the Appeals Court?

Because of the public health dangers associated with COVID-19, in person filings are discouraged. If you have an emergency matter and you are unable to file it electronically, you may bring it to the John Adams Courthouse for filing. The Appeals Court has a drop box for filings located at the main entrance. You can file your matter by leaving it in the drop box. A filing fee or affidavit of indigency is not required at this time. The drop box is monitored regularly by the court and filings deposited there will be promptly processed.

If you have questions that cannot be resolved by email or other means and are filing an emergency matter, you may alert the security officer who will contact a member of the Clerk's Office who will assist you by telephone. At all times, social distancing protocols established by the CDC must be followed.

4. What information do I need to provide?

The Appeals Court will need information about you and the case in the Trial Court or agency, including:

- Your name, physical mailing address, telephone number, and email address;
- The name of the case and of other parties to the case; the docket number; and the name of the Judge whose order is at issue in the emergency;
- A copy or description of any court notices, orders, or judgment related to the emergency;
- An explanation of the facts and your legal arguments describing why the Trial Court judge or agency made a legal error or abuse of discretion; and,
- A statement explaining the relief or outcome you are seeking the Appeals Court to order for you.

5. How do I file a matter that is not an emergency matter?

All non-emergency matters should be electronically filed at eFileMA.com or mailed to the Clerk's Office. While there are strict restrictions on access to the building, the Appeals Court remains open and is accepting and processing filings in all case types in accordance with its usual practices. Self-represented litigants are strongly encouraged to electronically file all

documents but may also send them on paper to the Appeals Court by mail. The Appeals Court requests all filers to provide their email address to receive court notices by email.

6. What do I do if I am unable to reach anyone in the Clerk's Office by telephone?

You may find the answer to your inquiry by reviewing the Appeals Court's web pages:

- Help Center <https://www.mass.gov/appeals-court-help-center>,
- Electronic filing <https://www.mass.gov/guides/electronic-filing-at-the-appeals-court>,
- Status of filings on the Appeals Court's docket (which is updated hourly) at <https://www.ma-appellatecourts.org/>, and
- the Appeals Court's hearing calendar at <https://www.ma-appellatecourts.org/calendar>

You may also send an email to MACClerkEmergency@jud.state.ma.us Include your contact information (telephone and address) and any docket number you have. This email inbox is monitored by the Clerk's Office and you will receive a response during business hours (Monday through Friday, 8:00 a.m. to 4:30 p.m.). During the COVID-19 emergency, you may also call the Clerk's Office at 617-723-1527 and leave a detailed message explaining your question, including your name and a call-back phone number. Personnel will return your call promptly during the Court's regular business hours.

7. What do I do if my local court is closed?

Please visit <https://www.mass.gov/guides/court-system-response-to-covid-19> and review any standing order or guidelines issued by the Trial Court department where your matter is pending. Some specific courthouses may be closed because of COVID-19 but information about where each court department is accepting filings in emergency matters will be posted on the Court System Response to COVID-19 webpage.

If you have an emergency matter and are unable to file it in the trial court, you may send an email to MACClerkEmergency@jud.state.ma.us You should explain in the email what efforts you took to file in the Trial Court and why you were unsuccessful.

8. Appeals Court Emergency Contact Information.

eFile: <http://www.efilema.com/>

eMail: MACClerkEmergency@jud.state.ma.us

Telephone: 617-723-1527 (leave a message describing the emergency, the Trial Court case name and docket number, and your name and telephone number)

U.S. Postal Mail or Third Party Delivery Service:

Appeals Court, Clerk's Office

John Adams Courthouse
One Pemberton Square, Suite 1200
Boston, MA 02108

In Person Drop Off:

Drop box located at the entrance doorway
John Adams Courthouse
One Pemberton Square, Suite 1200
Boston, MA 02108